



Docket No: D0590.70042US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gert Jules Hector De Wilde
Serial No.: 10/561,098
Confirmation No.: 9421
Filed: December 16, 2005
Title: ALCOHOL DEHYDROGENASE SEQUENCES USEFUL
FOR DEVELOPING COMPOUNDS FOR THE PREVENTION
AND/OR TREATMENT OF METABOLIC DISEASES

Examiner: Wessendorf, Teresa D.
Art Unit: 1639

Certificate of Mailing Under 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 26, 2007

Sylvana Householder

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the restriction requirement mailed July 26, 2007, Applicant hereby elects Group VI - claim 10, drawn to a method for identifying a modulator of a protein for a library of test chemical, with traverse.

Applicant traverses on the ground that claim 19 of invention Group IX is similar enough to claim 10 that its examination would not result in an undue burden for the Examiner. The subject matter of claim 19 also is a method for identifying a modulator of a protein or polypeptide. The difference between the two claims is that in claim 10 a protein or polypeptide is contacted with a test chemical, whereas in claim 19 a host cell or host organism that expresses and/or produces the same protein is contacted with a test chemical. In each case the test chemical interacts with the

protein and may generate a signal, which can be detected. Therefore, Applicant respectfully requests withdrawal of the restriction between claims 10 and 19.

In response to the requirement to elect one species, Applicant elects SEQ ID NO 6. Elected claim 10 and claims 20-24 added in the accompanying preliminary amendment filed herewith read on the species.

Applicant's election of species is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

DE WILDE et al., Applicant



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